

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,) **2:16-cr-141-JCM-GWF**
)
Plaintiff,)
)
v.)
)
LINO SOUSA,)
)
Defendant.)
_____)

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The Defendant's Motion was filed and served on July 11, 2016. Pursuant to the Court's Order, the Government's response deadline is August 5, 2016.

2. On July 11, 2016, the parties filed a stipulation to continue the trial in this matter. *See* Docket #19. The stipulation was granted on July 12, 2016 and the trial was continued until October 3, 2016. *See* Docket #23.

3. The Government has tendered a plea agreement to the Defendant in an attempt to resolve this case. Counsel for the Defendant has indicated that the Defendant will accept the proposed plea agreement. Counsel for the Defendant intends on presenting the plea agreement to the Defendant on August 5, 2016. A successful resolution of this case will obviate the need for the Court to consider the Defendant's Motion.

4. The Defendant is incarcerated, but he does not object to the continuance of the Government's response deadline.

1 5. The additional time requested herein is not sought for purposes of delay, but
2 merely to allow the parties adequate time to resolve this matter with a plea agreement.

3 6. Additionally, denial of this request for continuance could result in a miscarriage
4 of justice and would result in an unnecessary expense of the Court's resources.

5 7. Undersigned counsel for the Government will be on annual leave until August 8,
6 2016.

7 8. This is the second stipulation filed herein to continue the Government's response
8 deadline and the motion hearing.

9 For all of the above-stated reasons, the ends of justice would best be served by a
10 continuance of the motion response deadline and the motion hearing.

11 **CONCLUSIONS OF LAW**

12 The additional time requested herein is not sought for purposes of delay, but merely to
13 allow the parties an opportunity to resolve this matter via a plea agreement. The failure to grant
14 said continuance would likely result in a miscarriage of justice and an unnecessary expense of
15 the Court's resources.

16 **ORDER**

17 IT IS THEREFORE ORDERED, that the previously-scheduled response deadline for the
18 Government to respond to the Defendant's Motion to Disclose Confidential Informant and
19 Related Information (Docket #20) is extended until August 19, 2016, and that the
20 previously-scheduled motion hearing, presently set for August 17, 2016 at 3:30 p.m., is
21 continued until September 1, 2016 at 10:30 a.m.

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24 UNITED STATES MAGISTRATE JUDGE
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